

Remarks

This Amendment is being filed in response to the Office Action mailed September 5, 2007, in this application. A request for a two-month extension-of-time accompanies this Amendment. By this Amendment, claim 1 has been amended and claim 17 has been canceled. Reconsideration of this application is respectfully requested.

Claims 1-3, 5, 14-18 and 19-22 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 0 691 113 A1("Collyer") in view of U.S. Patent No. 4,029,103 ("McConnell"); claim 6 was rejected under 35 U.S.C. §103 as being unpatentable over Collyer in view of McConnell and further in view of U.S. Patent No. 6,566,575 ("Stickels, et al."); claims 7-10 and 12 were rejected under 35 U.S.C. §103 as being unpatentable over Collyer in view of McConnell and Stickels, et al. and further in view of U.S. Patent No. 6,552,244 ("Jacques, et al."); claim 11 was rejected under 35 U.S.C. §103 as being unpatentable over Collyer in view of McConnell, Stickels, et al. and Jacques, et al., and further in view of 6,700,034 ("Lindsay, et al."); and claim 13 was rejected under 35 U.S.C. §103 as being unpatentable over Collyer in view of McConnell, Stickels, et al., Jacques, et al. and Lindsay, et al. and further in view of U.S. Patent No. 5,447,492 ("Cartmell, et al."). Applicants traverse all these rejections.

First, Applicants believe that the rejection of claims 1-3, 5, 14-18 and 19-22 under 35 U.S.C. §102(b) is actually a rejection under 35 U.S.C. §103. Clarification of the record is requested.

In any event, each of the rejections is based in part on Collyer. To the limited extent that Collyer includes a slit, the slit is described on page 6, lines 5-6, in the description of Figs. 9 and 10: "Fig. 9 shows a standard cross-cut, and Fig. 10 shows a cross-cut with hole, formed in a dressing of the kind shown in Fig. 1." There is no suggestion to alter the slit of Collyer for any reason or that a curved slit would provide a better seal, enhancing conformability and reducing the risk for leakage and infection.

Without hindsight, Applicants submit there would be no reason to modify the slits of Collyer, and McConnell provides no such reason. McConnell relates to an anchoring plate as an advance over the use of layers of adhesive tape (see col. 1, the paragraph beginning on line 25).

Further, as amended, the current claims require that the absorbent layer does not extend to an edge of the slit. As explained in paragraph 0028 of the publication of the instant application, the borders of the slit are preferably free of absorbent pad, but are coated with adhesive so that the edges of the slit can be secured to the skin surrounding the wound or to a part of the dressing, but can also serve to secure the drainage tube. In Collyer, the embodiment with the cross-cut, Figures 9 and 10, is a non-adhesive dressing. It is described as being suitable for using with a tracheotomy, and its method of fixing is not mentioned. The only adhesive version disclosed by Collyer is that of Figure 12. It is an island type of dressing which has no cross-cut. Rather, it is described as being suitable for use in patients with sacral sores. The dressings of Figures 9 and 12 have very different uses, and there is no suggestion that the features of one would be suitable for use in the indication of the other. In no case does Collyer disclose a dressing that is apertured and slit to an outer edge where the absorbent layer does not extend to the edge of the slit. Collyer clearly shows that the absorbent layer does extend to the edge of the slit as can be seen from the part side views of Figures 9 and 10. For these reasons, Applicants submit that the claims are unobvious over Collyer and McConnell.

None of the other documents overcomes the deficiencies of Collyer and McConnell. Accordingly, Applicants request that these rejections be withdrawn.

In view of the foregoing, reconsideration of this application and allowance thereof with claims 1-3, 5-16 and 18-22 are respectfully requested.

Respectfully submitted,

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